

Journal of the Senate

FIFTY-SEVENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, May 4, 2015, 10:00 a.m.

The Senate was called to order by President Susan Wagle.
The roll was called with 40 senators present.
Invocation by Reverend Cecil T. Washington:

Heavenly Father,

Thanks for the start of a new day...a new week...a new month. Thanks for Your consistent faithfulness toward us. Yet Lord, there are certain ways in which we really need Your help. There are some things to which we are blind; things for which we need Your insight. Your Holy Word records in Mark 10:46-52, and again in Luke 18:35-43, how a certain blind man cried out to You and You opened his eyes. As we cry out to You today, would You do it again and open our eyes? Help us see how to be better; ... better men and women, in demonstrating Your Lordship. ...better husbands and wives, in replicating Your love ...better fathers and mothers, better sisters and brothers. Lord, show us how to be better servants to the people. To the glory of Your presence in this place and in these people; to the honor of Your precious name, Thank You for hearing this prayer. And we praise You for the results. In the Name of Jesus. Amen

The Pledge of Allegiance was led by President Susan Wagle.

On motion of Senator Bruce, the Senate recessed until 2:00 p.m..

The Senate met pursuant to recess with Senator King in the chair.

INTRODUCTION OF BILLS

The following bill was introduced and read by title:

SB 303, AN ACT concerning insurance; relating to coverage for autism spectrum disorder; amending K.S.A. 2014 Supp. 40-2,194 and repealing the existing section, by Committee on Ways and Means.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Kelly and Longbine introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1739—

A RESOLUTION commemorating the 100th anniversary of
Wamego Health Center in Wamego, Kansas.

WHEREAS, Wamego City Hospital was established in 1915 at the remodeled home of Dr. Simonton at 1010 West Sixth Street; and

WHEREAS, J.T. Genn made a proposition to the city in 1919 to give \$10,000 for a new hospital if the city would raise a like sum and donate the real estate; and

WHEREAS, In 1921, Genn Hospital located at Sixth and Spruce was completed at a cost of \$25,000; and

WHEREAS, In January 1925, Genn Hospital was deeded to the Board of Trustees of the hospital and the management and control was vested in them; and

WHEREAS, All physicians were made to feel that Genn Hospital was their hospital. Physicians and surgeons from neighboring communities preferred to practice medicine at Genn Hospital because they considered the conditions more favorable for the progress of their patients; and

WHEREAS, In 1960, new plans were made to build a larger, more modern hospital; and

WHEREAS, In May 1969, Wamego City Hospital was dedicated and opened for service to the community. There were 26 beds, four bassinets and about 60 employees; and

WHEREAS, In 1987, an outpatient clinic with 12 exam rooms was attached to the hospital. A lower level for future expansion was also constructed. The lower level was converted to the Physical Therapy Department and a Community Fitness Center; and

WHEREAS, In 2004, the fitness center was condensed and renovations were made to accommodate the Heritage Health Program for Seniors; and

WHEREAS, The expansion of the emergency room took place in 2000. The ER was located to the northeast corner of the complex and housed a two-bed emergency room; and

WHEREAS, In 2001, a new metal building was constructed adjacent to the west side of the hospital. This building became home to the laundry facilities, materials management and Pottawatomie County EMS garages and sleep quarters; and

WHEREAS, In 2001, Wamego City Hospital underwent a transfer of operations to the Wamego Hospital Association, a newly formed partnership between the City of Wamego, Mercy Regional Health Center in Manhattan and Via Christi Health Systems; and

WHEREAS, Construction on the new kitchen and dining room began in 2006. In 2007, the new kitchen and dining room opened. This created space for four new semi-private patient rooms; and

WHEREAS, In 2010, 2011 and 2012, Wamego City Hospital was named Modern Healthcare Magazine's best place to work; and

WHEREAS, In 2012, Wamego City Hospital received the Excellence in Patient Care Award during the Studor Group's "What's Right in Healthcare Conference"; and

WHEREAS, In 2013, Wamego City Hospital changed their name to Wamego Health Center; and

WHEREAS, In 2013, Wamego Health Center was named the 2013 Guardian of Excellence award winner by Press Ganey Associates: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we commend and celebrate the 100th anniversary of Wamego Health Center. Wamego Health Center provides patients with incredible service and we urge all Kansans to celebrate its success; and

Be it further resolved: That the Secretary of the Senate shall send five enrolled copies of this resolution to Senator Kelly.

On emergency motion of Senator Kelly **SR 1739** was adopted unanimously.

Guests introduced were Shannan Flach, Deb Kiker, Kristen Cottam, Dr. William Ditto, Dwight Faulkner, Merl Page and Kerry Whearty.

The Senate honored the guests with a standing ovation.

ORIGINAL MOTION

Senator Bruce moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **S Sub HB 2042, S Sub HB 2043, S Sub HB 2149, S Sub HB 2155; HB 2165.**

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2042** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed as Senate Substitute for House Bill No. 2042, as follows:

On page 2, in line 26, after the first "representatives" by inserting ", one of whom shall be a member of the house committee on appropriations"; in line 28, before the period by inserting ", one of whom shall be a member of the senate committee on ways and means";

And your committee on conference recommends the adoption of this report.

MARY PILCHER-COOK

MICHAEL O'DONNELL

Conferees on part of Senate

DANIEL HAWKINS

SUSAN CONCANNON

Conferees on part of House

Senator Pilcher-Cook moved the Senate adopt the Conference Committee Report on **S Sub HB 2042.**

On roll call, the vote was: Yeas 30; Nays 10; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle, Wilborn, Wolf.

Nays: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, McGinn, Pettey, Schmidt.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2043** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on

conference further agrees to amend the bill as printed as Senate Substitute for House Bill No. 2043, as follows:

On page 15, by striking all in lines 27 through 43;

By striking all on pages 16 through 24;

On page 25, by striking all in lines 37 through 43;

By striking all on page 26;

On page 27, by striking all in lines 1 through 40;

On page 29, by striking all in lines 8 through 43;

On page 30, by striking all in lines 1 through 3; by striking all in lines 18 through 43;

On page 31, by striking all in lines 1 through 27;

On page 33, by striking all in lines 29 through 43;

By striking all on pages 34 through 36;

On page 37, by striking all in lines 1 through 34; following line 43, by inserting:

"Sec. 10. K.S.A. 2014 Supp. 39-923 is hereby amended to read as follows: 39-923.

(a) As used in this act:

(1) "Adult care home" means any nursing facility, nursing facility for mental health, intermediate care facility for people with intellectual disability, assisted living facility, residential health care facility, home plus, boarding care home and adult day care facility; all of which are classifications of adult care homes and are required to be licensed by the secretary for aging and disability services.

(2) "Nursing facility" means any place or facility operating 24 hours a day, seven days a week, caring for six or more individuals not related within the third degree of relationship to the administrator or owner by blood or marriage and who, due to functional impairments, need skilled nursing care to compensate for activities of daily living limitations.

(3) "Nursing facility for mental health" means any place or facility operating 24 hours a day, seven days a week, caring for six or more individuals not related within the third degree of relationship to the administrator or owner by blood or marriage and who, due to functional impairments, need skilled nursing care and special mental health services to compensate for activities of daily living limitations.

(4) "Intermediate care facility for people with intellectual disability" means any place or facility operating 24 hours a day, seven days a week, caring for four or more individuals not related within the third degree of relationship to the administrator or owner by blood or marriage and who, due to functional impairments caused by intellectual disability or related conditions, need services to compensate for activities of daily living limitations.

(5) "Assisted living facility" means any place or facility caring for six or more individuals not related within the third degree of relationship to the administrator, operator or owner by blood or marriage and who, by choice or due to functional impairments, may need personal care and may need supervised nursing care to compensate for activities of daily living limitations and in which the place or facility includes apartments for residents and provides or coordinates a range of services including personal care or supervised nursing care available 24 hours a day, seven days a week, for the support of resident independence. The provision of skilled nursing procedures to a resident in an assisted living facility is not prohibited by this act. Generally, the skilled services provided in an assisted living facility shall be provided on an intermittent or limited term basis, or if limited in scope, a regular basis.

(6) "Residential health care facility" means any place or facility, or a contiguous portion of a place or facility, caring for six or more individuals not related within the third degree of relationship to the administrator, operator or owner by blood or marriage and who, by choice or due to functional impairments, may need personal care and may need supervised nursing care to compensate for activities of daily living limitations and in which the place or facility includes individual living units and provides or coordinates personal care or supervised nursing care available on a 24-hour, seven-days-a-week basis for the support of resident independence. The provision of skilled nursing procedures to a resident in a residential health care facility is not prohibited by this act. Generally, the skilled services provided in a residential health care facility shall be provided on an intermittent or limited term basis, or if limited in scope, a regular basis.

(7) "Home plus" means any residence or facility caring for not more than 12 individuals not related within the third degree of relationship to the operator or owner by blood or marriage unless the resident in need of care is approved for placement by the secretary for children and families, and who, due to functional impairment, needs personal care and may need supervised nursing care to compensate for activities of daily living limitations. The level of care provided to residents shall be determined by preparation of the staff and rules and regulations developed by the Kansas department for aging and disability services. An adult care home may convert a portion of one wing of the facility to a not less than five-bed and not more than 12-bed home plus facility provided that the home plus facility remains separate from the adult care home, and each facility must remain contiguous. Any home plus that provides care for more than eight individuals after the effective date of this act shall adjust staffing personnel and resources as necessary to meet residents' needs in order to maintain the current level of nursing care standards. Personnel of any home plus who provide services for residents with dementia shall be required to take annual dementia care training.

(8) "Boarding care home" means any place or facility operating 24 hours a day, seven days a week, caring for not more than 10 individuals not related within the third degree of relationship to the operator or owner by blood or marriage and who, due to functional impairment, need supervision of activities of daily living but who are ambulatory and essentially capable of managing their own care and affairs.

(9) "Adult day care" means any place or facility operating less than 24 hours a day caring for individuals not related within the third degree of relationship to the operator or owner by blood or marriage and who, due to functional impairment, need supervision of or assistance with activities of daily living.

(10) "Place or facility" means a building or any one or more complete floors of a building, or any one or more complete wings of a building, or any one or more complete wings and one or more complete floors of a building, and the term "place or facility" may include multiple buildings.

(11) "Skilled nursing care" means services performed by or under the immediate supervision of a registered professional nurse and additional licensed nursing personnel. Skilled nursing includes administration of medications and treatments as prescribed by a licensed physician or dentist; and other nursing functions which require substantial nursing judgment and skill based on the knowledge and application of scientific principles.

(12) "Supervised nursing care" means services provided by or under the guidance

of a licensed nurse with initial direction for nursing procedures and periodic inspection of the actual act of accomplishing the procedures; administration of medications and treatments as prescribed by a licensed physician or dentist and assistance of residents with the performance of activities of daily living.

(13) "Resident" means all individuals kept, cared for, treated, boarded or otherwise accommodated in any adult care home.

(14) "Person" means any individual, firm, partnership, corporation, company, association or joint-stock association, and the legal successor thereof.

(15) "Operate an adult care home" means to own, lease, establish, maintain, conduct the affairs of or manage an adult care home, except that for the purposes of this definition the word "own" and the word "lease" shall not include hospital districts, cities and counties which hold title to an adult care home purchased or constructed through the sale of bonds.

(16) "Licensing agency" means the secretary for aging and disability services.

(17) "Skilled nursing home" means a nursing facility.

(18) "Intermediate nursing care home" means a nursing facility.

(19) "Apartment" means a private unit which includes, but is not limited to, a toilet room with bathing facilities, a kitchen, sleeping, living and storage area and a lockable door.

(20) "Individual living unit" means a private unit which includes, but is not limited to, a toilet room with bathing facilities, sleeping, living and storage area and a lockable door.

(21) "Operator" means an individual registered pursuant to the operator registration act, K.S.A. 2014 Supp. 39-973 et seq., and amendments thereto, who may be appointed by a licensee to have the authority and responsibility to oversee an assisted living facility or residential health care facility with fewer than 61 residents, a home plus or adult day care facility.

(22) "Activities of daily living" means those personal, functional activities required by an individual for continued well-being, including, but not limited to, eating, nutrition, dressing, personal hygiene, mobility and toileting.

(23) "Personal care" means care provided by staff to assist an individual with, or to perform activities of daily living.

(24) "Functional impairment" means an individual has experienced a decline in physical, mental and psychosocial well-being and as a result, is unable to compensate for the effects of the decline.

(25) "Kitchen" means a food preparation area that includes a sink, refrigerator and a microwave oven or stove.

(26) The term "intermediate personal care home" for purposes of those individuals applying for or receiving veterans' benefits means residential health care facility.

(27) "Paid nutrition assistant" means an individual who is paid to feed residents of an adult care home, or who is used under an arrangement with another agency or organization, who is trained by a person meeting nurse aide instructor qualifications as prescribed by 42 C.F.R. § 483.152, 42 C.F.R. § 483.160 and ~~paragraph (h) of 42 C.F.R. § 483.35(h)~~, and who provides such assistance under the supervision of a registered professional or licensed practical nurse.

(28) "Medicaid program" means the Kansas program of medical assistance for which federal or state moneys, or any combination thereof, are expended, or any

successor federal or state, or both, health insurance program or waiver granted thereunder.

(29) "Licensee" means any person or persons acting jointly or severally who are licensed by the secretary for aging and disability services pursuant to the adult care home licensure act, K.S.A. 39-923 et seq., and amendments thereto.

(b) The term "adult care home" shall not include institutions operated by federal or state governments, except institutions operated by the director of the Kansas commission on veterans affairs office, hospitals or institutions for the treatment and care of psychiatric patients, child care facilities, maternity centers, hotels, offices of physicians or hospices which are certified to participate in the medicare program under 42 code of federal regulations, chapter IV, ~~section~~ § 418.1 et seq., and amendments thereto, and which provide services only to hospice patients, or centers approved by the centers for medicare and medicaid services as a program for all-inclusive care for the elderly (PACE) under 42 code of federal regulations, chapter IV, part 460 et seq., and amendments thereto, which provides services only to PACE participants.

(c) Nursing facilities in existence on the effective date of this act changing licensure categories to become residential health care facilities shall be required to provide private bathing facilities in a minimum of 20% of the individual living units.

(d) Facilities licensed under the adult care home licensure act on the day immediately preceding the effective date of this act shall continue to be licensed facilities until the annual renewal date of such license and may renew such license in the appropriate licensure category under the adult care home licensure act subject to the payment of fees and other conditions and limitations of such act.

(e) Nursing facilities with less than 60 beds converting a portion of the facility to residential health care shall have the option of licensing for residential health care for less than six individuals but not less than 10% of the total bed count within a contiguous portion of the facility.

(f) The licensing agency may by rule and regulation change the name of the different classes of homes when necessary to avoid confusion in terminology and the agency may further amend, substitute, change and in a manner consistent with the definitions established in this section, further define and identify the specific acts and services which shall fall within the respective categories of facilities so long as the above categories for adult care homes are used as guidelines to define and identify the specific acts.";

On page 38, in line 1, by striking ", 75-5309, 75-5364, 76-157, 76-158"; in line 2, by striking all after "8-1025,"; in line 3, by striking "38-2212, 39-1702, 40-4702" and inserting "39-923"; also in line 3, by striking "65-689; also in line 3, by striking "75-7d01, 75-"; in line 4, by striking all before "are" and inserting "75-53,105 and 75-6524";

Also on page 38, in line 6, by striking "statute book" and inserting "Kansas register";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "secretaries for children and families and" and inserting "secretary"; in line 2, by striking the colon and inserting "; relating to programs for all-inclusive care for the elderly"; in line 3, by striking ", 75-5309, 75-5364, 76-157, 76-158"; in line 4, by striking all after "8-1025,"; in line 5, by striking "1702, 40-4702" and inserting "39-923,"; also in line 5, by striking 65-689," also in line 5, by striking all after "65-6233,"; in line 6, by striking all before the second "and" and inserting "75-53,105 and 75-6524";

And your committee on conference recommends the adoption of this report.

MARY PILCHER-COOK
MICHAEL O'DONNELL
LAURA KELLY

Conferees on part of Senate

DANIEL HAWKINS
SUSAN CONCANNON
JIM WARD

Conferees on part of House

Senator Pilcher-Cook moved the Senate adopt the Conference Committee Report on **S Sub HB 2043**.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wagle, Wilborn, Wolf.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2149** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee of the Whole amendments, as follows:

On page 4, in line 38, by striking all after "environment"; in line 39, by striking "regulations"; in line 42, after "the" by inserting "medicaid";

On page 5, in line 16, after "the" by inserting "medicaid"; in line 17, by striking "(c)" and inserting "(b)"; in line 25, after the first "the" by inserting "medicaid"; in line 26, after "The" by inserting "medicaid"; in line 29, after "The" by inserting "medicaid"; in line 34, after "the" by inserting "medicaid"; in line 38, after "the" by inserting "medicaid"; in line 41, after the second "the" by inserting "medicaid"; in line 43, after "the" by inserting "medicaid";

On page 6, in line 13, by striking "pharmacy" and inserting "pharmacists";

And your committee on conference recommends the adoption of this report.

MARY PILCHER-COOK
MICHAEL O'DONNELL

Conferees on part of Senate

DANIEL HAWKINS
SUSAN CONCANNON

Conferees on part of House

Senator Pilcher-Cook moved the Senate adopt the Conference Committee Report on

S Sub HB 2149.

The Subcommittee on Rules convened to determine whether the content of the conference committee report on **S Sub HB 2149** violated Joint Rules. Following its' discussion, the Subcommittee determined that the content of the conference committee report was in compliance with Joint Rule 3.

On roll call, the vote was: Yeas 31; Nays 6; Present and Passing 3; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Baumgardner, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Wagle, Wilborn, Wolf.

Nays: Faust-Goudeau, Haley, Hensley, Holland, Kelly, Tyson.

Present and Passing: Francisco, Hawk, Pettey.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2155** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed as with Senate Committee of the Whole amendments (Corrected), as follows:

On page 7, in line 1, by striking all after "officials"; in line 2, by striking all before the colon;

On page 8, in line 28, by striking "calendar" and inserting "fiscal";

On page 12, in line 9, by striking "calendar" and inserting "fiscal";

On page 14, in line 22, by striking "calendar" and inserting "fiscal";

On page 26, by striking all in lines 15 through 43;

By striking all on pages 27 through 29;

On page 30, by striking all in lines 1 through 19;

On page 32, following line 5, by inserting:

"Sec. 23. K.S.A. 74-8720 is hereby amended to read as follows: 74-8720. (a) As nearly as practical, an amount equal to not less than 45% of the total sales of lottery tickets or shares, computed on an annual basis, shall be allocated for payment of lottery prizes.

(b) The prize to be paid or awarded for each winning ticket or share shall be paid to one natural person who is adjudged by the executive director, the director's designee or the retailer paying the prize, to be the holder of such winning ticket or share, or the person designated in writing by the holder of the winning ticket or share on a form satisfactory to the executive director, except that the prize of a deceased winner shall be paid to the duly appointed representative of the estate of such winner or to such other person or persons appearing to be legally entitled thereto.

(c) The executive director shall award the designated prize to the holder of the ticket or share upon the validation of a claim or confirmation of a winning share. The executive director shall have the authority to make payment for prizes by any means deemed appropriate upon the validation of winning tickets or shares.

(d) The right of a person to a prize drawn or awarded is not assignable.

(e) No person under 18 years of age shall be eligible to claim a lottery prize.

(~~e~~) (f) All prizes awarded shall be taxed as Kansas source income and shall be subject to all state and federal income tax laws and rules and regulations. State income taxes shall be withheld from prizes paid whenever federal income taxes are required to be withheld under current federal law.

(~~f~~) (g) Unclaimed prize money not payable directly by lottery retailers shall be retained for the period established by rules and regulations and if no claim is made within such period, then such unclaimed prize money shall be added to the prize pools of subsequent lottery games.

(~~g~~) (h) The state of Kansas, members of the commission and employees of the Kansas lottery shall be discharged of all further liability upon payment of a prize pursuant to this section.

(~~h~~) (i) The Kansas lottery shall not publicly disclose the identity of any person awarded a prize except upon written authorization of such person.";

Also on page 32, in line 6, after "74-8718" by inserting ", 74-8720"; in line 7, by striking ", 74-8702";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, by striking "and" and inserting a comma; also in line 3, after "74-8718" by inserting "and 74-8720"; in line 4, by striking ", 74-8702";

And your committee on conference recommends the adoption of this report.

RALPH OSTMEYER
 JAKE LATURNER
 OLETHA FAUST-GOUDEAU
Conferees on part of Senate

STEVEN BRUNK
 TRAVIS COUTURE-LOVELADY
 ANNIE TIETZE
Conferees on part of House

Senator Ostmeyer moved the Senate adopt the Conference Committee Report on **S Sub HB 2155**.

On roll call, the vote was: Yeas 37; Nays 1; Present and Passing 2; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Schmidt, Smith, Tyson, Wilborn, Wolf.

Nays: Francisco.

Present and Passing: Baumgardner, Wagle.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2165** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee

amendments, as follows:

On page 2, in line 4, by striking "\$2,500" and inserting "\$15,000"; following line 6, by inserting:

"Sec. 4. K.S.A. 2014 Supp. 12-520 is hereby amended to read as follows: 12-520.

(a) Except as hereinafter provided, the governing body of any city, by ordinance, may annex land to such city if any one or more of the following conditions exist:

(1) The land is platted, and some part of the land adjoins the city.
 (2) The land adjoins the city and is owned by or held in trust for the city or any agency thereof.

(3) The land adjoins the city and is owned by or held in trust for any governmental unit other than another city except that no city may annex land owned by a county without the express permission of the board of county commissioners of the county other than as provided in subsection (f).

(4) The land lies within or mainly within the city and has a common perimeter with the city boundary line of more than 50%.

(5) The land if annexed will make the city boundary line straight or harmonious and some part thereof adjoins the city, except no land in excess of 21 acres shall be annexed for this purpose.

(6) The tract is so situated that $\frac{2}{3}$ of any boundary line adjoins the city, except no tract in excess of 21 acres shall be annexed under this condition.

(7) The land adjoins the city and a written petition for or consent to annexation is filed with the city by the owner.

(b) No portion of any unplatted tract of land devoted to agricultural use of 21 acres or more shall be annexed by any city under the authority of this section without the written consent of the owner thereof.

(c) No city may annex, pursuant to this section, any improvement district incorporated and organized pursuant to K.S.A 19-2753 et seq., and amendments thereto, or any land within such improvement district. The provisions of this subsection shall apply to such improvement districts for which the petition for incorporation and organization was presented on or before January 1, 1987.

(d) Subject to the provisions of this section and ~~subsection (e)~~ of K.S.A. 12-520a(e), and amendments thereto, a city may annex, pursuant to this section, any fire district or any land within such fire district.

~~(e) Whenever any city annexes any land under the authority of paragraph 2 of subsection (a) which does not adjoin the city, tracts of land adjoining the land so annexed shall not be deemed to be adjoining the city for the purpose of annexation under the authority of this section until the adjoining land or the land so annexed adjoins the remainder of the city by reason of the annexation of the intervening territory.~~

~~(f)~~—No city may annex the right-of-way of any highway under the authority of this section unless at the time of the annexation the abutting property upon one or both sides thereof is already within the city or is annexed to the city in the same proceeding. The board of county commissioners may notify the city of the existence of the right-of-way of any highway which has not become part of the city by annexation and which has a common boundary with the city. The notification shall include a legal description and a map identifying the location of the highway. The governing body of the city shall certify by ordinance that the certification is correct and declare the highway, or portion of the highway extending to the center line where another city boundary line abuts the

opposing side of the highway, annexed to the city as of the date of the publication of the ordinance. ~~(g)-(f)~~ The governing body of any city by one ordinance may annex one or more separate tracts or lands each of which conforms to any one or more of the foregoing conditions. The invalidity of the annexation of any tract or land in one ordinance shall not affect the validity of the remaining tracts or lands which are annexed by the ordinance and which conform to any one or more of the foregoing conditions.

~~(h)-(g)~~ No city may utilize any provision of this section to annex a narrow corridor of land to gain access to noncontiguous tracts of land. The corridor of land must have a tangible value and purpose other than for enhancing future annexations of land by the city.

(h) No land shall be annexed pursuant to subsections (a)(1), (4), (5) and (6) without express consent of the board of county commissioners by resolution adopted within 30 days following the conclusion of the hearing on the proposed annexation as required by K.S.A. 12-520a, and amendments thereto.

Sec. 5. K.S.A. 12-520c is hereby amended

d to read as follows: 12-520c. (a) The governing body of any city may by ordinance annex land not adjoining the city if the following conditions exist:

- (1) The land is located within the same county as ~~such the~~ city;
- (2) the owner or owners of the land petition for or consent in writing to the annexation of ~~such the~~ land; and
- (3) the board of county commissioners of the county, by a $\frac{2}{3}$ vote of the members thereof, find and determine that the annexation of ~~such the~~ land will not hinder or prevent the proper growth and development of the area or that of any other incorporated city located within ~~such the~~ county.

(b) No land adjoining any land annexed by any city under the provisions of this section shall be deemed to be adjoining the city for the purpose of annexation under any other act or section of this act until ~~such the~~ adjoining land or the land annexed under this section shall adjoin the remainder of the city by reason of the annexation of the intervening territory.

(c) Whenever the governing body of any city deems it advisable to annex land under the provisions of this section ~~such the~~ governing body shall by resolution request the board of county commissioners of the county to make a finding as required under subsection (a)(3) ~~of this section~~. The city clerk shall file a certified copy of ~~such the~~ resolution with the board of county commissioners who shall, within ~~thirty (30)~~ 30 days following the receipt ~~thereof of the resolution~~, make findings and notify the governing body of the city ~~thereof of the board's decision~~. ~~Such findings shall be spread at length upon the journal of proceedings of said board. The failure of such board to spread such findings upon the journal shall not invalidate the same.~~

Any owner or city aggrieved by the decision of the board of county commissioners may appeal from the decision of such board to the district court of the ~~same~~ county in the manner and method set forth in K.S.A. 19-223, and amendments thereto. Any city so appealing shall not be required to execute the bond prescribed therein.;

Also on page 2, in line 7, after "K.S.A." by inserting "12-520c, "; also in line 7, after "19-27a19" by inserting "and K.S.A. 2014 Supp. 12-520";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "municipalities, "; in line 2, by striking all before "amending"; also in line 2, after "K.S.A." by inserting "12-520c, "; in

line 3, after "27a19" by inserting "and K.S.A. 2014 Supp. 12-520";

And your committee on conference recommends the adoption of this report.

DENNIS PYLE
 STEVE FITZGERALD
 OLETHA FAUST-GOUDEAU
Conferees on part of Senate

STEVE HUEBERT
 TOM PHILLIPS
 JOHN ALCALA
Conferees on part of House

Senator Pyle moved the Senate adopt the Conference Committee Report on **HB 2165**.

On roll call, the vote was: Yeas 30; Nays 7; Present and Passing 3; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Bruce, Denning, Donovan, Fitzgerald, Haley, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle, Wilborn.

Nays: Baumgardner, Bowers, Hawk, McGinn, Pettey, Schmidt, Wolf.

Present and Passing: Faust-Goudeau, Francisco, Longbine.

The Conference Committee Report was adopted.

REPORTS OF STANDING COMMITTEES

The Select Committee on **KPERS** recommends **HB 2095** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL NO. 2095," as follows:

"Senate Substitute for HOUSE BILL NO. 2095

By Select Committee on KPERS

"AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system; employment after retirement; special provisions for certain retirants; certain duties of the joint committee on pensions, investments and benefits; amending K.S.A. 46-2201 and K.S.A. 2014 Supp. 74-4914 and 74-4937 and repealing the existing sections.";

And the substitute bill be passed.

REPORT ON ENROLLED BILLS

SR 1731, SR 1732, SR 1733, SR 1734, SR 1735, SR 1736, SR 1737, SR 1738 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on May 04, 2015.

Vice President King announced the senate would recess to the sound of the gavel for the introduction of bills.

On motion of Senator Bruce the senate adjourned until 10 a.m., May 5, 2015.

COREY CARNAHAN, *Secretary of the Senate.*

